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Question of East Timor

Letter dated 20 August 1998 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a note verbale from the Permanent Mission of the Republic of Indonesia to the United Nations, dated 20 July 1998 (see annex), in response to the communication of 2 June 1998 from the Permanent Mission of Portugal concerning East Timor (A/53/135).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly.

(*Signed*) Makarim **Wibisono**
Ambassador
Permanent Representative

* A/53/150.

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Annex

Note verbale from the Permanent Mission of Indonesia to the United Nations

The Permanent Mission of the Republic of Indonesia to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to the note verbale dated 2 June 1998 from the Permanent Mission of Portugal to the United Nations addressed to the Secretary-General (A/53/135), has the honour to state the following:

1. As in previous years, Portugal's allegation of being "de facto deprived" from exercising its responsibilities for the administration of East Timor is completely without foundation. It is a matter of historical record that Portugal abdicated its responsibility when the Portuguese colonial authorities in Dili, in August 1975, simply packed up and left East Timor, after allowing the Territory to deteriorate to the point of civil war. Portugal was in fact guilty of practically instigating the war by secretly turning over arms and ammunition to one particular minority group, the Fretilin (Frente Revolucionária Timor Leste Independente). This development can be seen as the culmination of centuries of colonial neglect, coupled with a completely bungled decolonization process. Even in its resolution 384 (1975) of 22 December 1975, opposed by Indonesia but supported by Portugal in their official statements all these years, the Security Council regretted that the Government of Portugal did not discharge fully its responsibilities as administering Power in the Territory under Chapter XI of the Charter. By utterly failing in its responsibility, Portugal has therefore in fact forfeited any right to be still considered the administering Power.

2. Portugal's accusation that Indonesia has illegally occupied East Timor is not legally justifiable nor morally acceptable. It is important to note that not a single United Nations resolution on the so-called question of East Timor, all of which Indonesia opposed, referred to the "illegal occupation" of East Timor by Indonesia. On the contrary, Indonesia was confronted with a situation that was neither desired nor of its making. Indonesian Western Timor was forced to shoulder the burden of a violent civil war at its doorstep with thousands of refugees fleeing from East Timor through its borders. It is beyond doubt that such chaos and strife was due primarily to Portugal's irresponsible abandonment and also, the armed terror and unilateral imposition of a ruthless minority on the defenceless population that led to the request of the legitimate representatives of the majority East Timorese to petition Indonesia for integration. And it is a matter of historical record that East Timor's process of integration into Indonesia conformed with the letter and spirit of the relevant United Nations resolutions on decolonization and that the Organization was kept fully informed of every step in this long and onerous process. Indonesia had from the outset, time and again expressed its readiness to cooperate with the then-colonial Power towards the peaceful and orderly process of decolonization of East Timor. In fact, three months following Portugal's abandonment, and as late as in November 1975, at a meeting in Rome between the Foreign Ministers of Indonesia and Portugal, Indonesia still urged Portugal to return and finalize the process as there was a power vacuum in the Territory. Portugal, however, failed to make good on its promise and by its inaction, abandoned the East Timorese people forever. In this regard, the letter of the Chargé d'affaires a.i. of the Permanent Mission of Portugal to the United Nations admitted his Government's inability to deal effectively with the situation in the Territory (A/10402–S/11887).

3. In the light of the aforementioned, the East Timorese had rightly assumed their inherent right to decolonize themselves, considering themselves no longer bound to any

decolonization covenant with the irresponsible colonial Power. This they did, by choosing independence through integration with Indonesia in accordance with General Assembly resolution 1514 (XV) and principles VI, VIII, and IX of the annex to General Assembly resolution 1541 (XV) of 15 December 1960, as further confirmed b the relevant provisions of General Assembly resolution 2625 (XXV) of 24 October 1970. Consequently, the entire process of decolonization culminated in the formal promulgation into the law of the statute of integration, on 17 July 1976.

4. It is Indonesia's principled position that in view of the above-mentioned historical facts, Portugal has no standing to submit information under Article 73 *e* of the Charter of the United Nations. Portugal has used the said article to make unfounded allegations and numerous misrepresentations concerning the situation in East Timor. Therefore, without prejudice to the aforementioned Indonesian position, the Permanent Mission of the Republic of Indonesia to the United Nations is compelled to set the record straight, as follows:

(a) The note verbale by the Permanent Mission of Portugal to the United Nations dated 2 June 1998 contains little that is new, since Portugal submitted similar "information" during the 1998 session of the Commission on Human Rights. The passage of time has not made the contents of the said "information" any more credible, as it is based on the same old unreliable and biased sources. Indonesia made its views known on the issue of human rights in East Timor at the 1998 session of the Commission on Human Rights (E/CN.4/1998/58 dated 25 February 1998, annex I) and that question was deliberated at length and a decision was reached with the adoption of the Chairman's statement by consensus in the Commission on Human Rights, at Geneva, on 24 April 1998;

(b) This decision of the Commission on Human Rights confirmed the overall improvements in East Timor. Recognizing Indonesia's sincerity and commitment in the promotion and protection of human rights, the Commission, *inter alia*, welcomed the advanced progress towards concluding the Memorandum of Understanding between the Government of Indonesia and the Office of the High Commissioner for Human Rights on technical cooperation in East Timor; welcomed the efforts of the Indonesian National Commission on Human Rights to promote and protect human rights and undertake fact-finding inquires into human rights violations, including through its office in Dili; welcomed the intention of the Government of Indonesia to continue to cooperate with the Commission on Human Rights and its mechanisms and, in particular the Government's decision to invite the Working Group on Arbitrary Detention to visit East Timor; noted with interest the Government of Indonesia's decision to launch a National Plan of Action on Human Rights in 1998 and, in that context, the Government's intention to ratify the Convention against Torture; and welcomed the dialogue under the auspices of the Secretary-General for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor, while stressing the need for constructive actions in order to promote a favourable atmosphere for further progress towards a solution;

(c) The adoption of the aforementioned Chairman's statement reflects the enhancement of constructive dialogue between Indonesia and the other members of the Commission, in particular the European Union. It has been the consistent view of Indonesia that the promotion and protection of human rights can only be achieved through dialogue and cooperation, rather than through confrontational methods, such as those employed by Portugal and its supporters. Therefore, the adoption of the Chairman's statement by consensus has foiled attempts by Portugal to use the issue of human rights for self-serving political agendas;

(d) It should be noted that, at the present time of reform, Indonesia's endeavours in the promotion and protection of human rights have never been more dedicated. Its zeal

in enhancing the basic human rights of all its people, irrespective of ethnic or religious backgrounds, gender or different cultures, is reaffirmed by the launching of the National Plan of Action on 25 June 1998, which was intended to coincide with the fiftieth anniversary of the 1948 Declaration of Human Rights. The Plan focuses on the following: ratification of international human rights instruments; dissemination of information and the conduct of social education on human rights; measures to address human rights issues determined as national priorities; and the implementation of international human rights conventions;

(e) Since the establishment of the branch office of the National Commission on Human Rights, in Dili, on 24 June 1996, it has promptly responded to reports on incidents which occurred in East Timor, involving alleged human rights abuses, by conducting fact-finding missions and issuing reports. In this context, it should be noted that the National Commission on Human Rights has been praised by the international community for maintaining its objectivity and impartiality when assessing various incidents of human rights violations, if and when they do occur;

(f) Therefore, for Portugal to state that the "serious human rights situation in East Timor" justifies "the gravest concern" is utterly contrary to reality. This is especially so when Portugal has based its note verbale on reports of non-governmental organizations, such as Amnesty International and Human Rights Watch, which have had a long-standing history of bias against Indonesia;

(g) It has always been the practice of Indonesia's detractors living overseas to manipulate and exploit every event taking place in East Timor, especially during the visits of foreign dignitaries, by instigating a small group of unemployed East Timorese youths or a few students to engage in violence and other unlawful acts, including violent demonstrations, in order to provoke strong reactions from the authorities and thereby attract international attention. The ultimate aim of this pattern of behaviour is to impose their particular political objectives for East Timor. It is to be noted that, in handling these violent demonstrations, the law enforcement authorities continue to improve their work and to show a remarkable degree of self-restraint. Self-restraint was even more evident in addressing the terrorist acts and massacres of civilians on their way to cast their vote for the last general elections, held on 29 May 1997. This brutal act took the lives of 14 innocent civilians and injured many others. Such violent action was intended by the Fretilin to strike fear among the East Timorese in order to frustrate their participation in the political life of the province;

(h) Terrorist acts continue to be committed by the remnants of the Fretilin, and are aimed at spreading terror and fear among the population. There have been killings, acts of terror and intimidation perpetrated by the Fretilin anti-integrationists against the population of East Timor which cannot all be enumerated. However, one of the most heinous crimes was the shooting of two teachers of the Liaoli Elementary School, Jacinto da Piedede (21) and Julio Pereira (34) at Uatuhako Village, Venilale Subregency, Bacau Regency on 4 October 1997, as the Fretilin attacked the school, located 210 kilometres from Dili. In the same vicinity and a few months earlier, on 26 May 1997, another teacher was shot to death in Los Palos, Lautem Regency. During the months of August and September 1997, at least 16 East Timorese were shot by the Fretilin. These included 11 citizens shot at Manatuto Regency on 18 September 1997 and between 24 September and 2 October 1997, one more person was killed in Viqueque Regency by the Fretilin. In addition, the Fretilin has deliberately sought to undermine the development efforts of the East Timorese. To illustrate, in October 1997, the Fretilin set fire to a bulldozer being used to construct a road in Matahori Village in the East Timorese district of Viqueque, causing hundreds of millions of rupiahs in material losses. The road would have opened up the villages of Nunumaloa and Iralere from isolation. This project was financed by the Overseas Economic and Cooperation Fund.

Furthermore, such acts of terror know no bounds, for these terrorists even took advantage of a religious occasion attended by Bishop Belo to bless the statue of the Virgin Mary at the peak of the province's highest mountain, to kill two pilgrims at Ramelau Mount, Ainaro District, on 7 October 1997. Such random killings against civilians and destruction of development projects by the Fretilin had increased to coincide with events such as the All-Inclusive Intra-East Timorese Dialogue which was held from 20 to 23 October 1997 at Krumbach, Austria;

(i) As to the allegations of extrajudicial executions in East Timor, this has been the consistent practice of anti-integrationist groups aimed towards coercing the people to follow their political persuasion. Even more outrageous, after committing these heinous crimes, these irresponsible groups falsely claim that the army was responsible. Regrettably, one of many incidents was the torture and killing of four youths, namely, Imersio, Fernando, Fatrecia and Berdito, all Catholics, ruthlessly killed by the Fretilin, in Sare village, Liquisa district, in December 1997;

(j) What is most regrettable is that Portugal conveniently overlooks these barbaric acts of terrorism while continuing to indulge in its campaign of disinformation regarding Indonesia. One such accusation is that of "excessive military force". As in any other country, the role of the Indonesian military is to maintain security as well as its unique function throughout Indonesia's 27 provinces of carrying out civic missions to facilitate the development efforts in Indonesia, including East Timor. It is also pertinent to note the recent reduction in the number of armed forces personnel in East Timor, reflecting the Government of Indonesia's sincerity and goodwill as well as the improved security situation;

(k) It would be presumptuous on the part of any country to claim that human rights violations never occur, but then no nation, including Portugal, can claim to have a picture-perfect record. In Indonesia too, there are a few occurrences of human rights abuses, but to fabricate that scores of arbitrary arrests, detentions, torture and disappearances take place, without relying on any independent corroboration whatsoever, is a continuing attempt by Portugal to discredit Indonesia. It is an indisputable fact that, if and when human rights violations do occur, the Indonesian Government is swift to take decisive action in order to ensure that those few violations never take place again. The law also accords the right to those in detention, or being arrested, to apply for a pre-trial hearing in order to sue the authorities concerned. This right is inscribed in the Indonesian Code of Penal Procedure. In addition, no Indonesian citizen can be deprived of the right to legal aid;

(l) As to political prisoners, it is preposterous to suggest that they are persecuted for personal beliefs. Every Indonesian citizen charged for an alleged violation of the law is accorded due process of law. There are also provisions in the law which permit the reduction of sentences for good conduct. In this regard, it should be noted that, as part of the ongoing reform process in the country, 18 East Timorese prisoners were granted amnesty through Indonesian Decree No. 85 dated 10 June 1998. It should also be noted that the four individuals who were arrested in September 1997 in connection with their suspected involvement in the smuggling of bombs in the province, were tried in the court of law and subsequently released on 1 June 1998. In addition, the International Committee of the Red Cross (ICRC) is allowed unfettered access to prisoners and detainees in Indonesia, including East Timor. ICRC works in close cooperation with Indonesia to assist in improving the living conditions in the prisons. Concurrently, both the Indonesian Government and ICRC exert their joint efforts towards clarifying inaccurate information concerning prisoners and detainees;

(m) Since integration, the Indonesian Government and the provincial Government of East Timor have exerted their tireless efforts in the various fields of development to

improve the daily lives of the people. Apart from the various endeavours to improve the administrative system and the Government, efforts continue to be focused on health, housing, education, as well as the nutrition of the population. Greater emphasis is being placed on promoting the quality of human resources aimed not only towards improving productivity and economic growth but also towards combating poverty and national instability. High school graduates are encouraged to pursue higher education programmes, and the fact that more than 1,000 East Timorese attend institutes of higher education is reflective of the Government's determination to have greater numbers of skilled and educated people in the province;

(n) In the effort to improve the human resources of East Timor, the Norwegian Government, through the Bishop Belo Educational Foundation, has allocated 70 per cent of its scholarships to students of the University of East Timor and the Santo Thomas Aquinas Guterres Institute for Pastoral Studies. The remaining 30 per cent go to the East Timorese students living outside the province. Last year, the Foundation provided scholarships for nearly 300 East Timorese students;

(o) On humanitarian considerations, the Indonesian Government continues to allow East Timorese youth who seek political asylum in foreign embassies to leave Indonesia for Portugal. As in previous cases, there were no valid grounds whatsoever to support their requests for political asylum, as these youths were not being persecuted by the Government. The fact that their requests for political asylum were groundless seems to be the view of the embassies that they entered forcibly, as all of those embassies rejected the East Timorese youths' request. As to the East Timorese that had sought political asylum in the Austrian Embassy, Indonesia had given every assurance concerning their safety and legal rights in accordance with Indonesian law.

5. The reference to the result of the third round of the All-Inclusive Intra-East Timorese Dialogue that took place from 20 to 23 October 1997 at Krumbach, was not only incomplete, but worse still, was misleading and self-serving.

6. The Government of Indonesia has continued to extend its unwavering support to the Secretary-General of the United Nations in his efforts to find a just, comprehensive and internationally acceptable solution to the question of East Timor. In this regard, the Government of Indonesia has lent its full support to the Personal Representative of the Secretary-General, Ambassador Jamsheed Marker, during his numerous visits to Indonesia, including East Timor, as recently as in July 1998.

7. Throughout the process of the tripartite dialogue, Indonesia has consistently shown its good faith and goodwill in cooperating with the Secretary-General to find a just, comprehensive and internationally acceptable solution to the question of East Timor. For this to succeed, however, there should be unequivocal assurance from Portugal that it is also committed to such a solution and will cease its unwarranted attacks against Indonesia in the United Nations and other forums. Nothing can be gained from simultaneous attempts to internationalize the matter while pretending to pursue a dialogue. It should be recalled that, during the third round of talks, held on 17 September 1993, the Foreign Ministers of Indonesia and Portugal concurred "on the need to create a favourable and non-confrontational atmosphere in order to allow effective progress towards a comprehensive settlement to the question". Only then will a comprehensive and honourable settlement be feasible.

8. In the context of the foregoing, the Permanent Mission of the Republic of Indonesia to the United Nations reaffirms that Portugal has long forfeited the right as the administering

Power of East Timor and that the decolonization process was finalized more than 22 years ago and that, therefore, its note verbale has no validity whatsoever.

The Permanent Mission of the Republic of Indonesia to the United Nations has the honour to request the Secretary-General to have the present note verbale circulated as a document of the General Assembly.